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ZNY CCCCC ZZH
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FM AMEMBASSY HARARE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3388
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHAR/AMEMBASSY ACCRA 2263
RUEHDS/AMEMBASSY ADDIS ABABA 2383
RUEHRL/AMEMBASSY BERLIN 0908
RUEHBY/AMEMBASSY CANBERRA 1660
RUEHDK/AMEMBASSY DAKAR 2016
RUEHKM/AMEMBASSY KAMPALA 2437
RUEHNR/AMEMBASSY NAIROBI 4869
RUEAIIA/CIA WASHDC
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK
RHMFISS/EUCOM POLAD VAIHINGEN GE
RHEFDIA/DIA WASHDC
RUEHGV/USMISSION GENEVA 1532
RHEHAAA/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000778

SIPDIS

AF/S FOR G. GARLAND
DRL FOR N. WILETT
ADDIS ABABA FOR USAU
ADDIS ABABA FOR ACSS
STATE PASS TO USAID FOR E. LOKEN AND L. DOBBINS
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR B. PITTMAN
DCHA/AA FOR MIKE HESS
AFR/AA FOR KATE ALMQUIST AND FRANKLIN MOORE
AFR/SA FOR ELOKEN, LDOBBINS, JKOLE
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E.O. 12958: DECL: 09/05/2018
TAGS: [ASEC](#) [EAID](#) [KDEM](#) [PGOV](#) [PHUM](#) [PREL](#) [ZI](#)
SUBJECT: NGO BAN LIFTED, BUT NOT DEFINITELY

REF: A. A. HARARE 765
[1](#)B. B. HARARE 503

Classified By: Charge d'affaires, a.i. Glenn Warren for reasons 1.4 (b) and (d).

SUMMARY

[1](#)1. (SBU) The Ministry of Social Welfare, Public Service, and Labour (MSWPSL) lifted the ban on humanitarian assistance on August 29, and MSWPSL officials explained new reporting requirements for all registered Non-Governmental Organizations (NGOs) and Private Voluntary Organizations (PVOs) at a meeting on September 1 (ref A). However, significant confusion remains about the status of non-humanitarian NGOs. The lifting of the suspension appears to exclude organizations - including many involved in democracy and human rights work - that operate as Community-Based Organizations (CBOs), PVOs, Trusts, and Universitas. Most of these organizations ignored the ban on "field operations" and continued to carry out their activities, although these same groups' offices were frequently raided and their meetings interrupted. These NGOs believe authorities will continue to interrupt their activities, regardless of the law. Nevertheless, they intend to continue their efforts. Additionally, with regard to the reporting requirements, the National Association of Non-Governmental Organizations (NANGO) maintains that these are a backdoor attempt to operationalize elements of the 2005 NGO Bill that was hotly contested and never made law, and may be an attempt to impede their operations. END SUMMARY.

Background: Legalities Confound and Confuse

[1](#)2. (SBU) The NGO suspension issued by Minister of Social Welfare, Public Service, and Labour, Nicholas Goche, on June 4, singled out all NGOs conducting humanitarian operations that were registered under the 2002 Private Voluntary Organization Act (ref B). He further instructed "all PVOs/NGOs to suspend all field operations until further notice." A June 12 clarification document issued by Stanley Mhishi, as Acting Permanent Secretary, defined field operations as "movement by NGOs/PVOs personnel into communities in order to mobilize, organize, or bring together large groups of people." It also clarified that churches were not affected by the suspension. The August 29 document lifting the suspension lists five areas in which NGOs/PVOs can operate - humanitarian assistance, food aid, relief, recovery, and development; family and child care and protection; care and protection of older persons; rights and empowerment of people with disabilities; and HIV and AIDS treatment, care, and related support services. NGO/PVO operations in other areas are not mentioned.

[1](#)3. (SBU) While the Zimbabwean Government (GOZ) has not clarified if other field activities of non-humanitarian NGOs remain suspended, NANGO believes the suspension still

restricts activities by democracy-building and human rights-related NGOs and PVOs (e.g. Transparency International Zimbabwe, Catholic Commission for Justice and Peace, and ZimRights), and that the MSWPSL request for information is illegal. Veritas, another civil society organization that

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deals with legal issues, disputes NANGO's contention and believes these activities and organizations were never suspended. Regardless, many civil society organizations - which have a long history of defying GOZ attempts to interfere with their activities - have continued to operate throughout the "suspension".

14. (SBU) In another twist, many organizations (e.g. Crisis in Zimbabwe Coalition, Zimbabwe Christian Alliance, and the National Constitutional Assembly) that conduct similar activities are defined as Universitas and therefore fall outside the definitions of the PVO Act. In practice, however, police and local authorities have routinely restricted and interrupted the activities of churches and organizations registered as Trusts and Universitas, even though they were not technically suspended in either the June 4 or the June 12 documents.

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Attempt to Operationalize Failed 2005 NGO Bill?
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15. (SBU) NANGO maintains that the new reporting requirements in the Monitoring and Evaluation form (ref A) that NGOs must submit to the MSWPSL constitute an attempt by the GOZ to operationalize elements of the 2005 NGO Bill that was never enacted as law. (NOTE: Although the ZANU-PF dominated Parliament passed the bill, which the MDC-led Parliamentary Legal Committee had found unconstitutional, President Mugabe did not sign it into law. The bill was harshly criticized by organizations such as Human Rights Watch for being too burdensome on local NGOs, prohibiting them from receiving foreign funding for activities involving "issues of governance", and for eliminating registration exemptions in the PVO Act. It also intended to increase the powers of the MSWPSL to cancel organizations' registrations and take over the property of dissolved NGOs. END NOTE). As a result, NANGO has advised NGOs and PVOs not to comply with the MSWPSL information request.

OCHA Misinforms Donors

16. (SBU) At a September 3 meeting hosted by the UN Resident Humanitarian Coordinator Agostinho Zacharias and the Director of the Office for Coordination of Humanitarian Assistance (OCHA) Georges Tadonki, the two briefed donors - most of whom did not attend the September 1 clarification meeting - on the lifting of the suspension. They explained that human rights-related NGOs were never covered by the ban, and that they would not have to submit information requested to the MSWPSL because they were registered with the Ministry of Justice (MoJ). Zimbabwean lawyers, however, tell us that no NGOs are registered with the MoJ. Tadonki also explained that he believed it was "very unlikely" the GOZ would try to stop faith-based organizations' activities. However, in practice, church-related organizations have been prohibited from carrying out activities. (COMMENT: The meeting was characterized by the familiar OCHA rhetoric of giving the GOZ the benefit of the doubt, even in the face of contradictory experience. END COMMENT.)

COMMENT

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17. (C) Technically, the June 4 ban appears to remain in place for governance and human rights organizations. In practice, the legalities of NGOs, PVOs, Trusts, and Universitas matter relatively little. What is significant is whether they are in fact permitted to operate. Because the local security structures and provincial governors all continue to be controlled by ZANU-PF, organizations' field activities remain at their mercy. We will monitor closely in the coming weeks the ability of these organizations to operate.

18. (C) We remain concerned that the UN's Zacharias and Tadonki have been too conciliatory toward the GOZ and unwilling to press for humanitarian access and for the ability of governance and human rights organizations to operate throughout Zimbabwe. Their reluctance to confront the GOZ has made it easier for the government to escape responsibilities for its actions. END COMMENT.
MCGEE